

MEMORANDUM

January 3, 2007

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: PAUL BEACH
Franscell, Strickland, Roberts and Lawrence

ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

RE: Claim of Dominique Daniel

DATE OF
INCIDENT: February 28, 2006

AUTHORITY
REQUESTED: \$55,000

COUNTY
DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:

☒ Approve


☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval

- ABSENT -

_____, Chief Administrative Office
ROCKY A. ARMFIELD

_____, County Counsel
JOHN F. KRATTLI

_____, Auditor-Controller
MARIA M. OMS

on January 16, 2007

SUMMARY

This is a recommendation to settle for \$55,000 the government tort claim of Dominique Daniel, who claims that she was sexually assaulted by an on-duty Sheriff's Deputy.

LEGAL PRINCIPLE

A public entity is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

According to her claim, on February 28, 2006, at approximately 5:00 p.m., Dominique Daniel was walking on Central Avenue in the Florence-Firestone area, when a Sheriff's Deputy pulled his patrol car along side of her and began talking to her. The Deputy asked Ms. Daniel to get into his car, because he needed to get some information from her, and she did.

The Deputy then drove to an alley near Central Avenue and 76th Street and locked the doors of his car. The Deputy attempted to get Ms. Daniel to engage in a sexual act, but when she began to cry, he let her go.

Ms. Daniel filed a government tort claim seeking to recover damages for the emotional distress she suffered as a result of the incident.

DAMAGES

Should this matter proceed to litigation and trial, the potential cost to the County could be as follows:

Emotional distress	\$100,000
Civil rights attorneys' fees	\$200,000
Litigation fees and costs	<u>\$100,000</u>
Total	<u>\$400,000</u>

STATUS OF CASE

The proposed settlement calls for the County to pay Ms. Daniel \$55,000 for all of her claims for damages, costs, and attorneys' fees.

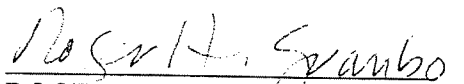
Expenses incurred to date to consummate the proposed settlement are attorneys' fees of \$1,146 and no costs.

EVALUATION

This is a case of probable liability. While the Deputy denies the allegations, Ms. Daniel immediately reported the incident to the authorities and identified the Deputy as the perpetrator. A reasonable settlement at this time will avoid litigation costs and a potential jury verdict that would exceed the proposed settlement.

We join with our private counsel, Franscell, Strickland, Roberts, and Lawrence, in recommending settlement of this matter in the amount of \$55,000. The Sheriff's Department concurs in the recommendation.

APPROVED:



ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

by BZ

RHG:scr